

H. C. R. No. 19, Granting permission to E. D. Bitting to sue the State of Texas and the State Highway Department.

H. C. R. No. 83, Granting permission to William I. Bothe to sue the State of Texas and/or the Industrial Accident Board of the State of Texas.

S. B. No. 299, A bill to be entitled "An Act changing the name of the School or College of Mines and Metallurgy at El Paso to the 'Texas State College of Mines and Arts'; etc., and declaring an emergency."

S. J. R. No. 5, Proposing an amendment to Article III of the Constitution of the State of Texas authorizing the Legislature to provide for the creation and establishment of rural fire prevention districts.

S. C. R. No. 33, Relating to gifts, grants or purchase of surplus war material, needed by public schools of this State.

Bill Re-referred

On motion of Senator Lane, H. B. No. 611 was withdrawn from the Committee on Criminal Jurisprudence and re-referred to the Committee on Civil Jurisprudence.

Adjournment

Senator Carney moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Carney	Lock
Corbin	McDonald
Cousins	Moffett
Hardeman	Moore
Harris	Morris
Hudson	Tynan
Kelly of Tarrant	Weinert
Lane	

Nays—11

Aikin	Kelley of Hidalgo
Bell	Martin
Bracewell	Proffer
Colson	Strauss
Hazlewood	Vick
Jones	

Absent

Ashley	Taylor
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Absent—Excused

Bullock	Shofner
Phillips	

The Senate accordingly at 11:00 o'clock a.m., adjourned until 10:00 o'clock a.m. tomorrow.

FIFTY-SECOND DAY

(Wednesday, May 18, 1949)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Hazlewood

Absent—Excused

Bullock	Shofner
Phillips	

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Shofner was granted leave of absence for today on account of illness on motion of Senator Carney.

Senator Phillips was granted leave of absence for today on account of illness on motion of Senator Ashley.

Senator Bullock was granted leave of absence for today on account of important business on motion of Senator Hudson.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 758, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 336, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 428, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 176, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 224, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 19, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 14, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 15, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 107, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 779, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Ashley submitted the following reports:

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 474, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 110, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 475, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 876, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 750, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 75, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 856, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 860, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred H. B. No. 868, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 673, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 798, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 611, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

LANE, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 56, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Senator Proffer submitted the following reports:

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 762, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 572, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 732, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 549, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do not pass but that the Committee Substitute do pass in lieu thereof and be printed.

PROFFER, Chairman.

C. S. H. B. No. 549 was read first time.

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education to whom was referred S. B. No. 76, have had the same under

consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill No. 54, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 22, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Senator Bell submitted the following report:

Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 69, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

BELL, Chairman.

Senator Carney submitted the following report:

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 806, have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Senate Bill 92 with House Amendments

Senator Morris called S. B. No. 92 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Morris moved that the Senate do not concur in the House amendments to the bill and that a conference committee be appointed to adjust the difference between the two Houses on the bill.

The motion prevailed.

House Bill 638 Set as Special Order

Senator Kelley of Hidalgo moved that House Bill No. 638 be set as a special order for Thursday, May 19, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Hazlewood

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 396 Set as Special Order

Senator Harris moved that House Bill No. 396 be set as a special order for Wednesday, May 25, 1949, im-

mediately following the morning call.

The motion prevailed by the following vote:

Yeas—20

Ashley	Jones
Bell	Kelley of Hidalgo
Bracewell	Lane
Carney	Martin
Colson	McDonald
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Tynan
Hudson	Vick

Nays—6

Aikin	Moffett
Kelly of Tarrant	Taylor
Lock	Weinert

Absent

Hazlewood	Moore
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Absent—Excused

Bullock	Shofner
Phillips	

House Bill 594 Set as Special Order

Senator Morris moved that House Bill No. 594 be set as a special order for Wednesday, May 25, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Absent

Lane

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 654 Set as Special Order

Senator Corbin moved that House Bill No. 654 be set as a special order for Wednesday, May 25, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lock
Ashley	Martin
Bell	Moffett
Carney	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Nays—1

Bracewell

Absent

Colson	Jones
Hudson	McDonald

Absent—Excused

Bullock	Shofner
Phillips	

Senate Bill 33 Set as Special Order

Senator Bell moved that Senate Bill No. 33 be set as a special order for Monday, May 23, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Weinert

Absent

Jones	McDonald
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Absent—Excused

Bullock
Phillips

Shofner

House Bill 914 Set as Special Order

Senator Kelley of Hidalgo moved that House Bill No. 914 be set as a special order for Thursday, May 19, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following votes:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Weinert

Absent

Jones

Moore

Absent—Excused

Bullock

Phillips

Shofner

House Bill 379 Set as Special Order

Senator Hudson moved that House Bill No. 379 be set as a special order for Thursday, May 19, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following votes:

Yeas—18

Ashley	Jones
Bracewell	Kelley of Hidalgo
Carney	Lane
Colson	McDonald
Corbin	Proffer
Cousins	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick

Nays—7

Aikin

Hardeman

Kelly of Tarrant

Lock

Martin

Morris

Weinert

Absent

Bell

Moffett

Moore

Absent—Excused

Bullock

Phillips

Shofner

Senate Bill 475 Set as Special Order

Senator Kelly of Tarrant moved that Senate Bill No. 475 be set as a special order for Monday, May 23, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following votes:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Absent

Moore

Absent—Excused

Bullock

Phillips

Shofner

Motion to Set House Bill 428 as Special Order

Senator Corbin moved that House Bill No. 428 be set as a special order for Wednesday, May 25, 1949, immediately following the morning call.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

Yeas—14

Bracewell

Colson

Corbin

Cousins

Hazlewood	McDonald
Jones	Morris
Kelley of Hidalgo	Proffer
Lane	Tynan
Martin	Vick

Nays—13

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Moore
Carney	Strauss
Hardeman	Taylor
Harris	Weinert
Hudson	

Absent

Moffett

Absent—Excused

Bullock	Shofner
Phillips	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. J. R. No. 23, Proposing an amendment to Article III of the Constitution of the State of Texas by adding thereto a new section to be designated Section 60A authorizing the Legislature to enact laws enabling public schools to provide workmen's compensation insurance for school employees.

H. B. No. 422, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and Attorney General; provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

H. B. No. 582, A bill to be entitled "An Act prohibiting the printing, sale or gift of forms of negotiable

instruments, including bank checks, whether blank or otherwise, any portion of which is printed, unless the name of the printer appears thereon; fixing a penalty; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act amending Acts 1937, Forty-fifth Legislature, Page 1138, Chapter 460, the same being otherwise known and designated as Article 301d of Vernon's Annotated Penal Code, prohibiting Public School Fraternities, Sororities, and Secret Societies in all Public Schools of this State, including High Schools, Junior High Schools, and all Public Schools of lower grades; excepting all Universities and Colleges above the grade or rank of High Schools; defining terms; providing penalties; repealing all conflicting laws; providing a savings clause; and declaring an emergency."

H. B. No. 786, A bill to be entitled "An Act amending Section 106 of Senate Bill No. 172, Acts of the 50th Legislature, Regular Session, 1947, page 967, being the Uniform Act Regulating Traffic on Highways, so as to exempt from this section vehicles used in the actual harvesting and transporting of agricultural products from the fields to a packing or a processing plant; and declaring an emergency."

H. B. No. 787, A bill to be entitled "An Act regulating the use of seines in the waters of Laguna Madre lying within Cameron County, Texas; providing it shall be lawful to fish with certain fishing equipment or to seine with a minnow seine not over twenty (20) feet long; providing certain exceptions; providing a penalty for violation; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 805, A bill to be entitled "An Act authorizing the purchase of sites and the construction of county office buildings, additional county jail facilities and agricultural buildings by the Commissioners' Courts in counties having a population in excess of ninety thousand (90,000) inhabitants according to the last preceding Federal Census, and having at least three (3) incorporated cities within the county; validating all pro-

ceedings of such nature by said Commissioners' Court within the past two (2) years; providing, however, that this Act shall not affect any case or cause of action now pending in the courts of this State; providing this Act shall be cumulative; and providing this Act shall be severable; and declaring an emergency."

H. B. No. 858, A bill to be entitled "An Act providing for a Voluntary Payroll War Savings Plan by officers and employees of the State of Texas or of any county or other political subdivision or municipal corporation therein; creating a War Bond Payroll Savings Account; etc., and declaring an emergency."

H. B. No. 863, A bill to be entitled "An Act making it lawful to hunt wild deer with dogs in Polk County, Texas; repealing all laws in conflict herewith; providing a penalty; and declaring an emergency."

H. B. No. 905, A bill to be entitled "An Act repealing all local or special laws or parts thereof with reference to hunting or taking of deer in Williamson County; and declaring an emergency."

H. B. No. 912, A bill to be entitled "An Act applying only in counties having a population of 500,000 or more, according to the last preceding Federal Census, to authorize the County Judge to appoint a Master in Chancery to perform probate duties, and prescribing the rules and regulations relating thereto; authorizing judges of county courts at law to sit as county judge in probate matters when the county judge is absent or unable to act, and prescribing regulations relating thereto, and declaring an emergency."

H. B. No. 920, A bill to be entitled "An Act to authorize the governing body of any incorporated city or town in this State to ascertain the population of any such city or town for all municipal purposes; ratifying the acts of all such cities and towns heretofore taken by resolution or ordinance adopted by such governing body in that regard, and declaring an emergency."

H. B. No. 921, A bill to be entitled "An Act providing that the Board of Trustees in any independent school district with a scholastic population of not less than one thousand (1000)

and located in any county in this State having a population of not less than thirty thousand four hundred (30,400), nor more than thirty-one thousand five hundred (31,500), shall have authority and power to borrow funds not to exceed Twenty-five Thousand (\$25,000) Dollars for the purpose of supplementing funds on hand to construct and equip public free school buildings in said Independent School District; etc.; and declaring an emergency."

H. B. No. 923, A bill to be entitled "An Act providing for the disannexation of territory by Joint County Junior College Districts under certain conditions."

H. B. No. 927, A bill to be entitled "An Act repealing House Bill No. 366, Acts of the 50th Legislature, 1947, Regular Session, Chapter 96, page 159, relative to limiting the number of minnows that may be taken in Panola County; and declaring an emergency."

H. B. No. 928, A bill to be entitled "An Act to provide for continuous terms for the 87th District Court in Anderson, Limestone, Freestone, and Leon Counties; providing this Act shall be cumulative of Section 87 of Article 199, Revised Civil Statutes of Texas, 1925, and repealing said section only to the extent of conflict; and declaring an emergency."

H. B. No. 929, A bill to be entitled "An Act to provide for continuous terms for the 77th District Court in Limestone and Freestone Counties; providing this Act shall be cumulative of Section 77 of Article 199, Revised Civil Statutes of Texas, 1925, and repealing said section only to the extent of conflict, and declaring an emergency."

H. B. No. 934, A bill to be entitled "An Act prohibiting any person to trap, or set any trap or deadfall for any fox, coon, and/or squirrel in Shelby County; providing a penalty; and declaring an emergency."

S. B. No. 42, A bill to be entitled "An Act validating the separation, divorcement, or attempted separation or divorcement of independent school districts from municipal control, including those where a majority of the voters voting at an election held, or attempted to be held under the pro-

visions of Article 2783a (Acts 1929, Forty-first Legislature, page 674, Ch. 302), voted in favor of such separation or divorcement; etc.; and declaring an emergency."

S. B. No. 148, A bill to be entitled "An Act to amend Title 5, Articles 176 and 176A of the Revised Civil Statutes of the State of Texas, 1925, by adding a new article to be designated as Article 176B, providing that Reports of Alien Ownership of Land may be filed on or before Six Months from the time the occasion arises for filing such report; and declaring an emergency."

(With amendment)

S. B. No. 457, A bill to be entitled "An Act validating, ratifying, approving and confirming certain proceedings and bonds heretofore had or authorized by cities for purchasing fire trucks and equipment; providing that this Act shall not apply to any proceedings or bonds, the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

H. C. R. No. 105, Authorizing the Enrolling Clerk of the House of Representatives to make certain corrections in House Bill No. 347.

S. C. R. No. 57, Designating May 30 Memorial Day.

S. C. R. No. 8, Granting permission to Mrs. Billie R. DuBois to sue the State, etc.

S. B. No. 151, A bill to be entitled "An Act amending Acts 1947, Regular Session, 50th Legislature, Chapter 250, page 447, to permit the use of fruit jars with funnel attached for taking minnows for bait and the use of twenty-foot minnow seines and cast nets of any size mesh for taking certain rough fish in McLennan county public waters; repealing conflicting laws and declaring an emergency."

S. B. No. 182, A bill to be entitled "An Act making it unlawful to hunt, take or kill any deer in McLennan County for a period of five years from the effective date of this Act; fixing a penalty for violation of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The House has reconsidered the vote

by which it concurred in the Senate amendments to House Bill No. 357 and refused to concur in Senate amendments to the bill and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Reed, Yezak, McGregor, Lee, Willis, of Tarrant.

The House refused to concur in Senate amendments to House Bill No. 58 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Crosthwait, Wood of Smith, Bill, Flanagan, Gromatzky, Willis of Tarrant.

The House refused to concur in Senate amendments to House Bill No. 130 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Isaacks, Fleming, McDonald, Bergman, Willis of Tarrant.

S. B. No. 260, A bill to be entitled "An Act amending Chapter 61, Section 9, Acts 1929, 41st Legislature, 2nd C. S., page 100; as amended Acts 1943, 48th Legislature, page 482, Chapter 323, Section 1 (Article 881-a-9, Vernon's Revised Civil Statutes), so as to change the amount of filing fees to be paid annually by Savings Building and Loan Association; and declaring an emergency."

(With amendment)

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 167

Senator Hazlewood offered the following resolution:

Whereas, John Rogers, Walter Rogers, Jr., Susan Rogers, Tommy Rogers, Robert Rogers and Mary Katherine Rogers, the six fine children of the proud and prominent par-

ents, Mr. and Mrs. Walter Rogers, Sr., of Pampa, Texas, are visiting in the Capitol, seeing the sights and observing the procedure of the Legislature; now, therefore, be it

Resolved, By the Senate of Texas, that these fine children be extended a cordial welcome to the Capitol.

The resolution was read and was adopted.

House Concurrent Resolution 104

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 104, Authorizing the Enrolling Clerk of the House to amend the caption of House Bill No. 487 to conform with the body of the bill.

The resolution was read and was adopted.

Motion to Set House Bill 66 as Special Order

Senator Ashley moved that House Bill No. 66 be set as a special order for Wednesday, May 25, 1949, immediately following the morning call.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

Yeas—5

Ashley	Lane
Corbin	Tynan
Jones	

Nays—20

Aikin	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Cousins	Morris
Hardeman	Proffer
Harris	Taylor
Hazlewood	Vick
Hudson	Weinert

Absent

Lock	Strauss
Moore	

Absent—Excused

Bullock	Shofner
Phillips	

Conference Committee On House Bill 357

Senator Kelly of Tarrant called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 357 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Kelly of Tarrant, Lane, Ashley, Martin and McDonald.

House Bill 543 Set as Special Order

Senator Kelley of Hidalgo moved that House Bill No. 543 be set as a special order for Thursday, May 19, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Ashley

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 611 Set as Special Order

Senator Lane moved that House Bill 611 be set as a special order for Thursday, May 19, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Nays—1

Harris

Absent

Proffer

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 779 Set as Special Order

Senator Bell moved that House Bill 779 be set as a special order for Thursday, May 19, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—24

Aikin	Kelley of Hidalgo
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick

Nays—4

Hudson	Lock
Kelly of Tarrant	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 377 Set as Special Order

Senator Cousins moved that House Bill 377 be set as a special order for Thursday, May 19, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Bell	Lock
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—1

Martin

Absent

Ashley	Hazlewood
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Absent—Excused

Bullock	Shofner
Phillips	

House Bill 24 on Third Reading

Senator Tynan moved to suspend the regular order of business to take up H. B. No. 24 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Ashley	Kelley of Hidalgo
Bell	Lane
Bracewell	Martin
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Tynan
Jones	Vick

Nays—6

Aikin	Lock
Carney	McDonald
Hudson	Taylor

Absent

Kelly of Tarrant Weinert

Absent—Excused

Bullock Shofner
Phillips

The President pro tempore then laid before the Senate on its third reading and final passage:

H. B. No. 24, A bill to be entitled "An Act declaring the floods in Bexar, Wilson, Karnes and Goliad Counties, Texas, to be public calamity; authorizing a donation and grant to the San Antonio River Canal and Conservancy District of all of the State ad valorem taxes collected in said counties for two years; providing that such donated taxes shall be used for construction and operation of flood control improvement and in aid thereof; specifying the reports thereon to be made by the Assessor and Collector of Taxes; making existing State laws applicable to contracts, receipts and disbursements and accounting for said public funds; suspending all laws in conflict; and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—14

Ashley	Jones
Bell	Kelley of Hidalgo
Bracewell	Moore
Corbin	Morris
Hardeman	Strauss
Harris	Tynan
Hazlewood	Vick

Nays—13

Aikin	Martin
Carney	McDonald
Colson	Moffett
Hudson	Proffer
Kelly of Tarrant	Taylor
Lane	Weinert
Lock	

Absent

Cousins

Absent—Excused

Bullock Shofner
Phillips

House Joint Resolution 7 on Second Reading

Senator Proffer moved to suspend

the regular order of business to take up H. J. R. 7 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Morris
Harris	Proffer
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—5

Bracewell	Taylor
Cousins	Weinert
Hudson	

Absent

Lock

Absent—Excused

Bullock Shofner
Phillips

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 7, Proposing an amendment to the Constitution of the State of Texas amending Article III, Section 51a, providing that the Legislature shall have power to provide assistance to and provide for the payment of same to bona fide citizens of the United States and residents of the State of Texas who are needy aged persons over the age of sixty-five (65) years, needy blind persons over the age of sixteen (16) years, and needy children under the age of sixteen (16) years; providing for the acceptance of financial aid from the Government of the United States for such assistance; providing that the payment of such assistance from State Funds shall never exceed the payments from the Federal Funds; providing for the necessary election, form of ballot, proclamation and publication.

The resolution was read second time.

Senator Proffer offered the following committee amendment to the resolution:

Amend H. J. R. No. 7, page 3, by striking out the word "Federal" at the beginning of line two.

The committee amendment was adopted.

Senator Proffer offered the following committee amendment to the resolution:

Amend H. J. R. No. 7, page 3, by inserting the date "November 7, 1950" in Section 2, paragraph one.

Senator Bell offered the following substitute for the committee amendment:

Amend H. J. R. No. 7, Section 2, page 2, by inserting in the blank space therein the following: "Fourth Saturday in September."

The substitute was adopted.

The committee amendment as substituted was then adopted.

Question—Shall the resolution be passed to third reading?

Recess

Senator Bell moved that the Senate recess to 2:30 o'clock p.m. today.

Senator Carney moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Question first recurring on motion of Senator Carney, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Ashley	Hudson
Bracewell	Kelly of Tarrant
Carney	Moffett
Cousins	Taylor
Hardeman	Weinert

Nays—14

Aikin	Martin
Bell	McDonald
Colson	Moore
Corbin	Morris
Hazlewood	Proffer
Kelley of Hidalgo	Tynan
Lane	Vick

Absent

Harris	Lock
Jones	Strauss

Absent—Excused

Bullock	Shofner
Phillips	

Question then recurring on motion of Senator Bell, it prevailed.

The Senate accordingly at 11:45 o'clock a.m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President pro tempore.

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read and referred to the committees indicated:

H. B. No. 787, to Committee on Game and Fish.

H. B. No. 786, to Committee on Highways and Motor Traffic.

H. B. No. 805, to Committee on Counties and County Boundaries.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Taylor submitted the following reports:

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 322, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass as amended and be not printed.

TAYLOR, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 319, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass as amended and be not printed.

TAYLOR, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B.

No. 321, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass as amended and be not printed.

TAYLOR, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 510, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

TAYLOR, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 268, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

TAYLOR, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 550, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

TAYLOR, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 11, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

TAYLOR, Chairman.

Senator Carney submitted the following report:

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the

Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 787, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

CARNEY, Chairman.

Senator Morris submitted the following reports:

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred Senate Bill No. 481, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Chairman.

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred House Bill No. 99, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute for House Bill No. 99 do pass, in lieu thereof, and be printed.

MORRIS, Chairman.

C. S. H. B. No. 99 was read first time.

Senator Moffett submitted the following report:

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 786, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

MOFFETT, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 805, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Bills Ordered Not Printed

On motion of Senator Taylor, it was ordered that House Bills Nos. 319, 321, and 322 be not printed.

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read and referred to the committees indicated:

H. B. No. 928, to Committee on Judicial Districts.

H. B. No. 927, to Committee on Game and Fish.

H. B. No. 923, to Committee on Education.

H. B. No. 921, to Committee on Education.

H. B. No. 920, to Committee on Towns and City Corporations.

H. B. No. No. 912, to Committee on Counties and County Boundaries.

H. B. No. 905, to Committee on Game and Fish.

H. B. No. 863, to Committee on Game and Fish.

H. B. No. 858, to Committee on State Affairs.

H. B. No. 651, to Committee on State Affairs.

H. B. No. 582, to Committee on Criminal Jurisprudence.

H. B. No. 422, to Committee on Finance.

H. B. No. 929, to Committee on Judicial Districts.

H. B. No. 934, to Committee on Game and Fish.

H. J. R. No. 23, to Committee on Constitutional Amendments.

Leave of Absence Granted

Senator Strauss was granted leave of absence for the remainder of the day on account of important business on motion of Senator Hardeman.

House Concurrent Resolution 105

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 105, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 347.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,

Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror on grand juries and on petit juries shall be denied or abridged on account of sex; etc.

(With amendment)

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Joint Resolution 7 on Passage to Third Reading

The President pro tempore laid before the Senate as pending business, H. J. R. No. 7.

Question—Shall the resolution be passed to third reading?

Senator Bracewell offered the following amendment to the resolution:

Amend H. J. R. No. 7 by adding the following between Section 1 and Section 2 to be known as Section 2a and to read as follows:

"Section 2a. The total amount of money to be expended out of State

funds for such assistance to the needy aged, needy blind and needy children shall never exceed the sum of Fifty Million (\$50,000,000) Dollars per year."

Senator Proffer moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—14

Aikin	Kelly of Tarrant
Bell	Martin
Colson	McDonald
Corbin	Moore
Hardeman	Proffer
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—12

Ashley	Lane
Bracewell	Lock
Carney	Moffett
Cousins	Morris
Hazlewood	Taylor
Hudson	Weinert

Absent

Harris

Absent—Excused

Bullock	Shofner
Phillips	Strauss

Senator Morris offered the following amendment to the resolution:

Amend H. J. R. No. 7, Section 2, line 43, by adding at the end the following:

"Providing for the removal of the 35 million dollars limitation as to the amount of money the State shall contribute to the financing of said program of assistance."

The amendment was adopted.

Senator Morris offered the following amendment to the resolution:

Amend H. J. R. No. 7, line 60, by adding at the end the following:

"Providing for the removal of the 35 million dollars limitation as to the amount of money the State shall contribute to the financing of said program of assistance."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the resolution:

Amend Section 1 of House Joint Resolution No. 7 by adding a new paragraph at the end of subdivision (1), on line 51, which shall read as follows:

"Applicants for and recipients of Old Age Assistance shall give to the State of Texas a lien upon all of their property, real, personal or mixed, as a prerequisite to receiving Old Age Assistance; said lien to be enforceable after the death of the recipient and spouse and other constituent members of the household, and limited to the amount of the assistance granted."

Senator Cousins offered the following amendment to the amendment:

Amend the Hazlewood amendment by adding before the semi-colon in line 4, the following:

"excepting personal effects such as watches, rings, etc., of a value less than \$500.00 in the aggregate."

The amendment to the amendment was adopted.

Senator Proffer moved to table the amendment by Senator Hazlewood.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—10

Aikin	Kelley of Hidalgo
Bell	McDonald
Colson	Moore
Corbin	Proffer
Hardeman	Vick

Nays—15

Ashley	Lane
Bracewell	Lock
Carney	Martin
Cousins	Morris
Hazlewood	Taylor
Hudson	Tynan
Jones	Weinert
Kelly of Tarrant	

Absent

Harris	Moffett
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Absent—Excused

Bullock	Shofner
Phillips	Strauss

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—15

Ashley	Kelly of Tarrant
Bracewell	Lane
Carney	Lock
Colson	Martin
Cousins	Morris
Hazlewood	Taylor
Hudson	Tynan
Jones	Weinert

Nays—10

Aikin	McDonald
Bell	Moore
Corbin	Proffer
Hardeman	Vick
Kelley of Hidalgo	

Absent

Harris	Moffett
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Absent—Excused

Bullock	Shofner
Phillips	Strauss

Senator Cousins offered the following amendment to the resolution:

Amend H. J. R. No. 7, by inserting in line 39, page 1, after the word "persons" and in front of the word "who", the following:

"shown to be in necessitous circumstances and who have no other means of support."

Senator Proffer moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—20

Aikin	Lane
Ashley	Lock
Bell	Martin
Colson	McDonald
Corbin	Moffett
Hardeman	Moore
Hazlewood	Morris
Jones	Proffer
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—6

Bracewell	Hudson
Carney	Taylor
Cousins	Weinert

Absent

Harris

Absent—Excused

Bullock	Shofner
Phillips	Strauss

Senator Taylor offered the following amendment to the resolution:

Amend H. J. R. No. 7, Section 1, page 2, line 5, by adding the following sentence:

"Provided that the total amount of money to be expended out of State Funds for such assistance to needy children shall never exceed the sum of Three Million Dollars (\$3,000,000) in any fiscal year."

The amendment was adopted.

Senator Ashley offered the following amendment to the resolution:

Amend H. J. R. No. 7, by adding a new paragraph between lines 19 and 20, page 2, immediately before Section 2, to read as follows:

"If any applicant for, or recipient of, Old Age Assistance shall dispose of his property by sale, gift, or otherwise within a period of one (1) year prior to applying for such assistance, which property, if retained, would have made such applicant or recipient ineligible for Old Age Assistance, it shall be presumed that such disposition of property was made with intent to qualify for Old Age Assistance and such person shall not be classified as a 'needy' person as that term is used herein."

Senator Hazlewood offered the following amendment to the amendment:

Amend the Ashley amendment by striking out the words and figure "1", and inserting the figure "2".

Question recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was adopted by the following vote:

Yeas—15

Ashley	Lock
Bracewell	Martin
Carney	McDonald
Cousins	Morris
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Weinert
Lane	

Nays—12

Aikin	Jones
Bell	Kelley of Hidalgo
Colson	Moffett
Corbin	Moore
Hardeman	Proffer
Harris	Vick

Absent—Excused

Bullock	Shofner
Phillips	Strauss

The amendment as amended was then adopted.

H. J. R. No. 7 was passed to third reading by the following vote:

Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Carney	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Proffer
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—3

Bracewell	Weinert
Hudson	

Absent—Excused

Bullock	Shofner
Phillips	Strauss

House Joint Resolution 7 on Third Reading

Senator Proffer moved that the Senate Rule requiring joint resolutions to be read on three several days be suspended and that H. J. R. No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Harris
Ashley	Hazlewood
Bell	Jones
Carney	Kelley of Hidalgo
Colson	Kelly of Tarrant
Corbin	Lane
Cousins	Lock
Hardeman	Martin

McDonald	Proffer
Moffett	Taylor
Moore	Tynan
Morris	Vick

Nays—3

Bracewell	Weinert
Hudson	

Absent—Excused

Bullock	Shofner
Phillips	Strauss

The President pro tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Carney	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Proffer
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—3

Bracewell	Weinert
Hudson	

Absent—Excused

Bullock	Shofner
Phillips	Strauss

Senate Bill 482 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Cousins
Ashley	Hardeman
Bell	Hazlewood
Bracewell	Hudson
Carney	Jones
Colson	Kelley of Hidalgo
Corbin	Kelly of Tarrant

Lane	Morris
Lock	Proffer
Martin	Taylor
McDonald	Tynan
Moffett	Vick
Moore	Weinert

Absent

Harris

Absent—Excused

Bullock	Shofner
Phillips	Strauss

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 482, A bill to be entitled "An Act applying to any city which is operating under a home rule charter, which charter authorizes such city to furnish electric light and power service both within and without the city limits and to construct rural electrical lines; authorizing such city to set up such rural electric system as a unit separate from the city system in which event each shall constitute a separate utility; authorizing such city to build, purchase, improve, enlarge, extend and repair each such system, to mortgage and encumber the same, the income thereof and any franchise and everything pertaining thereto and to evidence the obligation by the issuance of evidences of indebtedness which shall never be a debt of the city but chargeable solely upon the properties of the system; providing for operation and maintenance expenses, which expenses shall be a first charge on the income thereof; providing for charges for service and the use of the income; providing certain conditions pertaining to the execution, issuance and delivery of such obligations; providing for the funding, refunding or refinancing of such obligations; exempting such obligations from certain taxes; validating acts in heretofore setting up and operating such systems and encumbrances and mortgages pertaining to each such system and all obligations heretofore issued secured by a pledge of and/or payable from the revenues thereof and providing that such obligations shall be considered as obligations issued hereunder; and declaring an emergency."

To the Committee on Towns and City Corporations.

Senate Resolution 168

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the senior and junior classes from the Ocena High School from Mangum, Oklahoma, and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate.

The resolution was read and was adopted.

House Bill 653 on Second Reading

Senator Colson moved to suspend the regular order of business to take to take up H. B. No. 653 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—2

Hardeman	Kelly of Tarrant
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Absent—Excused

Bullock	Shofner
Phillips	Strauss

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 653, A bill to be entitled "An Act to amend Section 9 of Senate Bill No. 270, Acts, Regular Session, 46th Legislature, as amended by Chapter 87, Acts Regular Session, 48th Legislature, and Chapter 207, Acts, Regular Session, 49th Legislature, and Chapter 72, Acts, Regular Session, 50th Legislature, to extend the time

of existence of the Special Ninth District Court of Montgomery, Polk, San Jacinto, and Trinity Counties; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 653 on Third Reading

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 653 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Absent—Excused

Bullock	Shofner
Phillips	Strauss

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Harris	Proffer
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Nays—3

Aikin	Kelly of Tarrant
Hardeman	

Absent—Excused

Bullock	Shofner
Phillips	Strauss

Conference Committee on Senate Bill 92

The President pro tempore announced the appointment of the following conference committee on Senate Bill 92, on the part of the Senate:

Senators Morris, Lane, Hudson, Bracewell and Phillips.

Message from the Governor

The President pro tempore laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
May 12, 1949.

TO THE MEMBERS OF THE 51ST LEGISLATURE:

It is my understanding that under a recent court ruling the State of Texas would probably not be able to collect carbon black occupation taxes. The Comptroller estimates that during the next two years these taxes would produce approximately \$6,000,000.

The carbon black occupation tax was first levied in the omnibus tax bill in 1936. That bill described the term "carbon black." The courts held that such description was not a definition but an illustration and therefore that the tax was due and payable by all producers, regardless of the method they used in the process.

This wording was re-enacted in the omnibus tax bill passed in 1941, but the caption of that bill made reference to this part of the bill as "defining carbon black."

The Court of Civil Appeals has therefore held that this paragraph is now a definition. If this decision is not reversed, no occupation tax on the production of carbon black can be collected unless the carbon black is produced from gas by "the impinging of a flame upon a channel disk or plate." Legislation is now proposed to protect the right of the State to collect the carbon black occupation tax "irrespective of the raw materials used or method employed."

In view of the importance of this matter to the financial position of the

State, I submit as emergency legislation under Section 5 of Article III of the Constitution, the subject of the amendment of House Bill No. 8, Acts, 1941, 47th Legislature, page 269, Chapter 181, Article 11, to provide for an occupation tax on the manufacturing or producing of carbon black in this State, "irrespective of the raw materials used or method employed."

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

House Bill 787 on Second Reading

Senator Kelley of Hidalgo moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 787 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Absent—Excused

Bullock	Shofner
Phillips	Strauss

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 787, Regulating the use of purse seines in the waters of Laguna Madre in Cameron County, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 787 on Third Reading

The President pro tempore laid H. B. No. 787 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Carney	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Proffer
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Nays—1

Bracewell

Absent—Excused

Bullock	Shofner
Phillips	Strauss

Recess

Senator Aikin moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17

Aikin	Jones
Bell	Kelly of Tarrant
Bracewell	Lock
Carney	Martin
Colson	Moffett
Cousins	Tynan
Hardeman	Vick
Hazlewood	Weinert
Hudson	

Nays—9

Ashley	McDonald
Corbin	Moore
Harris	Morris
Kelley of Hidalgo	Taylor
Lane	

Absent

Proffer

Absent—Excused

Bullock	Shofner
Phillips	Strauss

The Senate accordingly at 4:55 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

In Memory of
Dee Pennington
Lucille Scott
Mrs. Jose Kent
Rene Ann St. John
Donald Leroy DeWeese

(Senate Resolution 166)

Senator Kelly of Tarrant offered the following resolution:

Whereas, On May 17, 1949, Fort Worth suffered the ravages of the second worst flood in its history which rendered 13,000 people homeless, and

Whereas, This flood took the lives of Dee Pennington, Lucille Scott, Mrs. Jose Kent, Rene Ann St. John, and Donald Leroy DeWeese, and

Whereas, The death of these people will cause insuperable grief to those who survive them and those who knew and loved them, be it

Resolved, That the Senate of the State of Texas, extend our most sincere sympathy and condolence to those who are bereaved, and be it further

Resolved, That a page be set aside in the Journal as a memorial to those whose lives were taken by the Fort Worth flood and this resolution be printed thereon, and be it further

Resolved, That an official copy of said resolution be sent to those who survive them; and be it further

Resolved, That when the Senate adjourns today it do so in their honor.

The resolution was read and was adopted by a rising vote of the Senate.